



Pra titioner's Docket N . SEN-019

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Abdurrahman Sezginer et al.

Serial No.: 10 / 074,561 Group No.: 2881

Filed: February 12, 2002 Examiner:

For: OVERLAY ALIGNMENT METROLOGY USING
DIFFRACTION GRATINGS

Box Missing Part
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
APR 24 2002
OFFICE OF PETITIONS

COMPLETION OF FILING REQUIREMENTS
— NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533)
mailed 04/02/2002

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notice to File Missing Parts of Application—Filing Date
Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(s))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal
Service with sufficient postage as first class
mail in an envelope addressed to the
Assistant Commissioner for Patents,
Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the
Patent and Trademark Office.

COPY OF PAPERS
ORIGINALLY FILED

Date: April 12, 2002

Signature

Merle P. Garcia

(type or print name of person certifying)

DECLARATION OR OATH

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item V(3) below.

NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor and (1) serial number (2) attorney docket number which was on the application as filed and the filing date (3) title of the invention and filing date (4) title of invention and reference to a specification which is attached to the declaration at the time of execution and filed with the declaration or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date; such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

- III. ☐ Cancel claims _____ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

- IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item V(5) below.

NOTE: A non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. 1.63(b).

- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. 1.311(b).

NOTE: 37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.


SIGNATURE OF PRACTITIONER

Reg. No. 24,518

Thomas Schneck

(type or print name of practitioner)

Tel. No.: (408) 297-9733

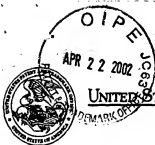
P.O. Box 2-E

P.O. Address

Customer No. 003897

San Jose, CA 95109-0005

Also attached: Copy of filing receipt with corrections.



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/074,561	02/12/2002	2881	553 1236?	SEN-019	25	31	5

CONFIRMATION NO. 6547

 003897
 LAW OFFICE OF THOMAS SCHNECK
 P.O. BOX 2-E
 SAN JOSE, CA 95109-0005

FILING RECEIPT



OC00000007761530

Date Mailed: 04/02/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

 Abdurrahman Sezginer, Los Gatos, CA;
 Kenneth C. Johnson, Santa Clara, CA;
 Fred E. Stanke, Cupertino, CA;

Domestic Priority data as claimed by applicant

 THIS APPLN CLAIMS BENEFIT OF 60/268,485 02/12/2001
 AND CLAIMS BENEFIT OF 60/295,111 06/01/2001
 AND CLAIMS BENEFIT OF 60/322,219 09/14/2001

Foreign Applications

If Required, Foreign Filing License Granted 04/01/2002

Projected Publication Date: ~~To Be Determined - pending completion of Missing Parts~~

Non-Publication Request: No

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Early Publication Request: No

** ~~SMALL ENTITY~~ **** ~~LARGE ENTITY~~ **
 - Please see "Notification of Error in
 Payment of Fee(s) As A Small Entity".

Title

Overlay alignment metrology using diffraction gratings

Preliminary Class



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/074,561	02/12/2002	Abdurrahman Sezginer	SEN-019

CONFIRMATION NO. 6547

003897
LAW OFFICE OF THOMAS SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

FORMALITIES LETTER



OC000000007761531

Date Mailed: 04/02/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/23/2002 SDIRETA1 00000108 10074561

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00 DP
02 FC:105	130.00 DP
03 FC:103	198.00 DP
04 FC:102	168.00 DP

Filing Date Granted

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APR 24 2002
OFFICE OF PETITIONS

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice **MUST** be returned with the reply.

Haiman Tegbau
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

COPY OF PAPERS
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Adjustment date: 04/23/2002 SDIRETA1
02/20/2002 TGEDRMU1 00000013 10074561
01 FC:201 -378.00 DP
02 FC:202 -84.00 DP
03 FC:203 -99.00 DP

Patent No. SEN-019

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Abdurrahman Sezginer et al.
 Application No.: 10/074,561 Group No. 2881
 Filed: February 12, 2002 Examiner:
 For: OVERLAY ALIGNMENT METROLOGY USING DIFFRACTION GRATINGS

☐ Patent No.: _____ Issued: _____

*NOTE: Insert name of inventor(s) and title also for patent where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Assistant Commissioner for Patents
 Washington, D.C. 20231

NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY
(37 C.F.R. § 1.28(c))

NOTE: 37 C.F.R. § 1.28(c): "(c) How errors in small entity status are excused. If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section."

NOTE: 37 C.F.R. § 1.28(c)(1): "Separate submission required for each application or patent. Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and itemizations are required for each application or patent. See § 1.4(b)."

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Merle P. Garcia

Date: April 12, 2002

Merle P. Garcia

(type or print name of person certifying)

COPY OF PAPERS
 ORIGINALLY FILED

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Err n us Filing f Small Entity Stat m nt

1. On Feb. 12, 2002, a small entity assertion was erroneously filed in this
- ☒ application
 - ☐ patent
2. This assertion of small entity status in this application and the payment of fee(s) as a small entity was/were made in good faith.
3. It has now been discovered that such status as a small entity was established in error.

Itemization of the Fee(s) Erroneously Paid as Small Entity

NOTE: 37 C.F.R. § 1.28(c)(2): "Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(i) Calculation of the deficiency owed. The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) Itemization of the deficiency payment. An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section."

NOTE: 37 C.F.R. § 1.28(c)(3): "Failure to comply with requirements. If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office."

4.

(complete the following applicable item(s))

<u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u>	<u>FEE ACTUALLY PAID AS A SMALL ENTITY</u>	<u>DEFICIENCY OWED*</u>
<input checked="" type="checkbox"/> Filing fee paid on <u>02/12/2002</u>	\$ <u>370.00</u>	\$ <u>370.00</u>
<input checked="" type="checkbox"/> Fee for excess claims (over 20) paid on <u>02/12/2002</u>	\$ <u>99.00</u>	\$ <u>99.00</u>
<input checked="" type="checkbox"/> Fee for multiple ^{independent} claims paid on <u>02/12/2002</u>	\$ <u>84.00</u>	\$ <u>84.00</u>
<input type="checkbox"/> Extension of time fee paid on _____	\$ _____	\$ _____
<input type="checkbox"/> The issue fee paid on _____	\$ _____	\$ _____
<input type="checkbox"/> _____ maintenance fee (First, second or third) paid on _____	\$ _____	\$ _____
<input type="checkbox"/> Other:		

WARNING: "The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error. . . " 37 C.F.R. § 1.28(c)(2)(i).

NOTE: 37 C.F.R. § 1.28(b)(2): "The date when a deficiency payment is paid in full determines the amount of deficiency that is due pursuant to paragraph (c) of this section."

Total deficiency owed \$ 553.00

NOTE: 37 C.F.R. 1.28(d): "Payment of deficiency operates as notification of loss of status. Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status."

Payment of Fee

5. The total deficiency owed is paid as follows:

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 553.00 (already included
☐ Authorization is hereby made to charge the amount of \$ in check for payment of
late declaration.)
☐ to Deposit Account No. _____
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the
~~manner authorized above~~ to Deposit Account No. 19-0590.

A duplicate of this paper is attached.


SIGNATURE OF PRACTITIONER

Reg. No.: 24,518

Thomas Schneck
(type or print name of practitioner)

Tel. No.: (408) 297-9733

P.O. Box 2-E
P.O. Address

Customer No.: 003897

San Jose, CA 95109-0005